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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,684	04/26/1999	NINA T. BHATTI	10982229-1	3580

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EXAMINER

WILLETT, STEPHAN F

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/299,684

Applicant(s)

BHATTI ET AL.

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁶ of this title before the invention thereof by the applicant for patent.

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Mogul et al. with Patent Number 6,243,761.

3. Regarding claim(s) 1, 9, Mogul teaches a computer network that varies the quality of data transmitted. Mogul teaches a content server that stores files for external access, col. 5, lines 5-8, storing or creating data files that are less resource intensive, col. 2, lines 19-23 that are stored in a full content and adapted content form, col. 2, lines 4-8. Mogul teaches an adaptive load control system to pass requests to the server, col. 5, lines 46-59, modifying an access request, col. 5, lines 40-57, col. 7, lines 26-28 and/or modifying an access request address, col. 2, lines 4-18 to instead obtain an adapted content by legacy addresses or dynamically as "by automatically varying the layout of 'content' in response to recent information about network conditions", col. 9, lines 57-58, and when the server is over loaded as "the effective bandwidth can also depend on server loads", col. 9, lines 52-53, "download time", col. 9, line 63 and "monitoring includes measuring the server load of the server", col. 10, lines 53-54. Mogul teaches monitoring the response time of the server, col. 10, lines 49-50. Therefore, by the above rational, the above claim(s) are rejected.

4. Regarding claims 2, 10, Mogul teaches instead transmitting full content when the server is not overloaded, col. 5, lines 58-61, col. 6, lines 33, 42.
5. Regarding claims 3, 11, 15, Mogul teaches monitoring network loads internal and external to the server, col. 6, lines 30-49 and instead transmitting full content when the server is not overloaded, col. 5, lines 62-64, col. 6, lines 33, 42.
6. Regarding claims 6, Mogul teaches instead transmitting full content when the server is not overloaded, col. 5, lines 58-61, col. 6, lines 33, 42.
7. Regarding claims 4, Mogul teaches adapting the content based on the load, col. 7, lines 34-37 dynamically, or providing an address to the dynamically generated content, col. 2, lines 4-18 .
8. Regarding claims 5, Mogul teaches a predetermined desired load value of the server to compare to determine if the server is overloaded as based on the load limits the download time can be adjusted since load values are directly related to download time, col. 7, lines 48-52 and/or “threshold”, col. 6, line 37.
9. Regarding claims 7, 12-13, Mogul teaches modifying a URL access request for content, col. 2, lines 10-19 and col. 9, line 41.
10. Regarding claims 8, Mogul teaches the server includes a service directory or index or library or database that direct the access request to the corresponding “annotated page” or format, col. 9, lines 38-39.
11. Regarding claims 14, Mogul teaches determining an estimated utilization of the server, col. 6, lines 51-54 by estimating an amount of time the server spends serving external requests col. 6, lines 54-56 such as “download times”, col. 6, line 33, col. 7, lines 48-52 and col. 9, lines

62-63 .

Response to Amendment

12. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

13. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

14. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the cited portions of the references and relevant portions of the reference. However, in an effort to further prosecution and clarify the rejections more examples of specific elements that correspond were added above.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the Danneels reference with Patent Number 6,038,598 at col. 3, lines 12-15 and the Bull reference with Patent Number 5,995,943 at col. 7, lines 58-60 is suggested. A close review of the references is suggested. The other references cited teach numerous other ways to send reduced content, thus a close review of them is suggested.

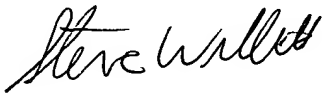
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The

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examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.



Stephan Willett

Patent Examiner

May 6, 2004